

## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Director of Information Services  
1205 Ames

EXTENSION

NO.

DATE

19 April 1985

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S  
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DD/OLL  
7 B 24 Headquarters

Attached are a few notes the DDCI can use when presenting the FOIA awards on 20 May. They were taken from Congressional testimony and other materials developed during the months preceding passage of the CIA Information Act. I believe the DDCI is well versed in the major issues associated with the new legislation.

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SUGGESTED COMMENTS FOR USE BY THE DDCI

20 MAY 1985 FOIA AWARDS CEREMONY

The Central Intelligence Agency Information Act authorizes the DCI to designate as exempt from the reach of the Freedom of Information Act certain operational files maintained by the Directorate of Operations, the Directorate of Science and Technology, and the Office of Security. The new law eliminates the tremendous waste of resources in reviewing records that cannot be released, gives assurances to our intelligence sources around the world, and makes it likely that FOIA requesters will receive responses in a more reasonable time. (This already is happening as our FOIA caseload is being reduced dramatically.)

The CIA Information Act exempts from the FOIA records concerned with the conduct of intelligence activities while ensuring that the product of those activities, the information that reaches the policymakers, remains accessible to FOIA requesters, subject to individual FOIA exemptions. Only files that officially have been designated pursuant to the Act will be exempt from the FOIA. Files not designated as exempt will remain accessible to FOIA requesters.

The new law leaves the Agency subject to FOIA. It confirms that the Agency maintains information about which the public legitimately may inquire and recognizes that the FOIA plays an important role in maintaining the public's faith in the government. In passing the CIA Information Act, the Congress also recognized that neither the public nor the Agency benefited from the requirement to search and review operational files that almost

invariably proved to be exempt from release under FOIA. Moreover, before enactment of the new legislation any FOIA requester could cause a search and review of all Agency files, including operational files, and the Agency would have to defend any denial of sensitive information to anyone who asked for it, line by line, sometimes word by word.

The new law, in essence, sends a message to intelligence sources that they are safe in trusting the United States. So long as we were compelled to treat our operational files as potentially public documents, we were unable to provide ironclad assurance of confidentiality which is the backbone of an effective intelligence service. Most importantly, therefore, under the new law intelligence sources, current and future, will have increased confidence in the Agency's ability to protect them from threat of exposure, and our relationships with sister intelligence services will be substantially improved.

[REDACTED] STAT

Labored more than several years, convincing legislators and public interest groups of the reality of CIA's problems in dealing with the requirements of FOIA. Continued to negotiate with those groups, many of which were historically hostile to the Agency, to arrive at language acceptable to all parties and still provide useful remedy. Became the principal advisor to Agency witnesses and sometime witness himself in Congressional hearings. Personal diplomacy and advocacy became [REDACTED] preoccupation, and quick-footed political sensitivity a practical imperative. Although he cannot be credited as the only contributor to enactment of the new law, it clearly could not have been achieved without his efforts.

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Negotiated the terms of the new law with staff members of the oversight committees and later with Congressional members of the committees. Drafted testimony for the DCI, DDCI, and other senior officers appearing as witnesses.

Drafted written answers to formal questions presented by the committees and their staffs. Solicited and obtained concurrence of OMB and Justice Department in the final version of the bill. Provided many amenities and much logistical assistance to facilitate efforts to gain support for the bill among Congressional and Executive Branch entities.

[REDACTED] STAT

Testified at formal and informal hearings by oversight committees and their staffs to describe and define the problems the Agency was having in responding to the demands of the FOIA, and explained how the proposed legislation would provide the needed remedy while at the same time provide for the Agency's continued adherence to its statutory responsibilities.

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Acted as legal counsel to the Legislative Liaison officers in providing legal analysis and advice on the legal consequences of the various proposed versions of the draft act. Assisted in the informal hearings with committee staffs with illustrations of the need for a remedy to the FOIA on the basis of experience in FOIA litigation.